

REMARKS

This paper is responsive to the final office action dated July 17, 2007. Claims 1-34 remain pending. Reconsideration and allowance are respectfully requested.

Interview Summary

Applicant thanks the Examiner for the courtesies extended to Applicant's undersigned representative during the personal interview of October 15, 2007. Applicant agrees with and adopts the Examiner's Interview Summary as an accurate description of the substance of the interview, in conjunction with the following remarks, pursuant to MPEP §713.04.

Claim Rejection Under 35 U.S.C. §112

As discussed with the Examiner during the personal interview of October 15, 2007, claim 30 is not indefinite. Claim 30 relates to, among other features, a radio telephone being activated and able to receive calls in a first configuration, wherein in the first configuration a first code is required to program identification data. Support for these features may be found at least at p. 7, ll. 15-21. For example, p. 7, ll. 15-17 state "provided the data has been entered correctly the radio telephone should now have its own individual identity and can be used to make and receive calls. It is after this point that the subsidy code of the phone is altered." Clearly, the phone can be used to make and receive calls in the first configuration requiring the first code since it is after this point that the code is changed. Accordingly, Applicant respectfully traverses this rejection.

Claim Rejection Under 35 U.S.C. §102

Claims 1-5, 7, 9-14, 16, 18-21, 23-27 and 29-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Parker (U.S. Patent No. 6,124,799). This rejection is respectfully traversed for the following reasons.

Independent claims 1, 10 and 23 generally relate to, *inter alia*, receiving an incoming signal addressing an apparatus or communication device, wherein storage of identification data is controlled by a first code and in response to receiving the incoming signal, changing the first code (e.g., to a second code) for subsequently controlling the storage of new identification data. Parker lacks any teaching or suggestion of such features. Parker generally discloses a method

and system for locking and unlocking mobile handsets. Abstract. In particular, Parker's system provides a locking scheme in which information permanently programmed into a handset is utilized to create a modifiable checkword. Col. 6, ll. 37-51. For example, Parker discloses a handset computing a key, k_{operator} , which is used to produce a checkword that is subsequently used to validate a SIM associated with the handset. Col. 10, line 33 – Col. 11, line 16. However, Parker's k_{operator} does not constitute a first code that controls the storage of data such as identification data in an apparatus. Indeed, Parker merely discloses that a device is responsive to k_{operator} to generate a checkword which may be used to activate the device for general use, not a first code used to control storage of identification data in an apparatus. Furthermore, Parker lacks a teaching or suggestion of an incoming signal or message *addressing a communication device or apparatus with reference to identification data*, as recited in claims 1, 10 and 23. As such, claims 1, 10 and 23 are allowable for at least the foregoing reasons.

Independent claim 19 recites, *inter alia*, “entering a first code to enter a mode for programming the identification data; entering identification data for storage in the memory; and changing the first code in response to receiving a message addressing the communications device with reference to the stored identification data stored in the memory.” Significantly, the Office Action fails to provide any rationale or explanation as to how and/or where Parker teaches or suggests such features. As discussed above, Parker's teaching of k_{operator} does not constitute a first code that is entered to enter a mode for programming identification data. Significantly, nowhere does Parker teach or suggest entering k_{operator} (i.e., the first code) in order to enter a mode of programming identification data. At best, Parker discloses a personal identification number that may be transmitted as an unlock command. Even assuming, without conceding, that Parker's personal identification number constitutes a first code, Parker lacks a teaching or suggestion that the personal identification number is changed in response to receiving a message addressing the communication device with reference to the stored identification data. Accordingly, claim 19 is allowable for at least these reasons.

Independent claim 25 recites, *inter alia*,

“means, responsive to a received signal, for changing the configuration of the communication device from a first configuration to a second configuration, wherein in the first configuration a first code is required to program the

identification data and in the second configuration a second code, different from the first code, is required to program the identification data”

Parker lacks a teaching or suggestion of such features. For example, Parker fails to teach or suggest that programming identification data includes the entry of a first code or a second code, much less that a first code is required in a first configuration and that a second code, different from the first, is required in a second configuration. Again, Parker’s use of keys, and in particular $k_{operator}$, is limited to enabling and/or unlocking a handset for “general use,” not programming identification data in a particular configuration. Claim 25 is thus allowable for at least this reason.

Claims 2-5, 7, 9, 11-14, 16, 18, 20, 21, 24, 26, 27 and 29-32 are dependent on claims 1, 10, 19, 23 and 25, respectively, and are thus allowable for at least the same reasons as their base independent claim and further in view of the novel and non-obvious features recited therein.

Claim Rejection Under 35 U.S.C. §103

Claims 6, 8, 15, 17 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parker. Again, the Office Action takes Official Notice of a random method of generating the first or second code. While reserving Applicant’s right to argue the Office Action’s use of the Official Notice, Applicant notes that the Official Notice does not cure the deficiencies of Parker discussed above. As such, claims 6, 8, 15, 17 and 22, which are dependent on claims 1, 10 and 19, are allowable for at least the same reasons as their base independent claims.

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Parker in view of Fielden (U.S. Patent No. 6,314,283). This rejection is respectfully traversed for the foregoing reasons.

Fielden generally relates to a system and method for providing a cellular subsidy lock that ensures that a cellular phone is only activated on a subsidizing carrier’s network and not a competitor’s network. Abstract. Fielden discloses that a carrier may generate an unlock code and/or a remove lock code using that particular carrier’s subsidy lock algorithm prior to shipping the phone to an end user. Col. 3, line 62 – Col. 4, line 13. However, Fielden does not teach or suggest changing the lock code for controlling the storage of identification data (e.g., the NAM), as is recited in claims 1, 10, 10, 23 and 25.

Further, contrary to the Office Action's assertions, there is no motivation to combine the teachings of Parker and Fielden in the manner suggested by the Office Action. While Parker discloses calculating a k_{operator} key to unlock a handset for general use, there is no teaching or suggestion in Parker of controlling the storage of identification data using such a key. In addition, Fielden's unlock and/or remove lock code for controlling the entry of NAM data is derived entirely differently from Parker's determination of its k_{operator} key. There is also no teaching or suggestion in Fielden to change the carrier specific code. Thus, notwithstanding the validity of the asserted combination, the asserted combination would not have resulted in the features recited in claim 25. Since claim 28 is dependent on claim 25, claim 28 is allowable for at least the same reasons as claim 25.

CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance. Reconsideration and prompt allowance are respectfully requested. If the Examiner has any questions, he is invited to contact the undersigned to further prosecution.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: November 19, 2007

By: /Chunhsi Andy Mu/
Chunhsi Andy Mu
Registration No. 58,216

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005
Tel: (202) 824-3000
Fax: (202) 824-3001